



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,405	09/01/2000	Janice Yoo	17887/007600US	5834
20350	7590	08/24/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,405

Applicant(s)

YOO ET AL.

Examiner

Paul H. Kang

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method steps claimed in claims 8 and 40 do not recite tangible embodiments of the invention. To overcome this rejection, it is recommended to amend the claim language from "A method" to "A computer implemented method."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- a. Determining the scope and contents of the prior art.
- b. Ascertaining the differences between the prior art and the claims at issue.
- c. Resolving the level of ordinary skill in the pertinent art.
- d. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 2141

3. Claims 1-7 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Golding et al.* (6,640,218) in view *Liu et al.* (6,839,680).

4. As per claim 1, *Golding* teaches a traffic monitor for use with a set of one or more Web servers for providing statistical analyses of traffic, comprising: an activity input for receiving data related to events on the set of servers, (See Column 6 Lines 17-33), means for categorizing events into categories, (See Column 7 Lines 54-64); wherein a category is interpreted as a catalog of search queries a means for associating events with subjects, wherein counts are maintained for each subject and subjects are associated with categories, (See Column 6 Lines 43-50 & Column 8 Lines 1-10) a normalizer for normalizing counts for events over a field of events, (See Column 8 Lines 43-67), and a result output for outputting results of the normalizer as the statistical analyses of traffic (i.e., outputting the statistical analysis is interpreted as the query count), (See Figure 1A and Column 6 Lines 33-40).

However, *Golding* does not explicitly teach a traffic monitor wherein the means are capable of categorizing at least one of the events into multiple categories, wherein a subject refers to one or more of a topic, a term or a category.

In the same field of endeavor, *Liu* teaches an Internet profiling system and method wherein user requests to a server are monitored and categorized, wherein the means are capable of categorizing at least one of the events into multiple categories, wherein a subject refers to one or more of a topic, a term or a category (See *Liu*, col. 3, lines 25-58, col. 18, lines 16-33 and col. 45, line 36 – col. 46, line 40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the categorization into multiple categories, as taught by *Liu*, into the system of *Golding* for the purpose of more accurately categorizing and profiling user activities.

5. As per claim 2, *Golding-Liu* teach the claimed invention as described in claim 1 above and furthermore discloses the activity input is an input from Web server logs, wherein the input from web server logs is extracted through a database, (See Column 6 Lines 33-50).

6. As per claim 3, Golding-Liu teach the claimed invention as described in claims 1-2 above and furthermore discloses the events include indications of page views, indications of search terms and indications of click streams of visitors to the set of servers; (i.e., the page view is interpreted as also being a click stream where a user clicks on a URL to access a Web page), (See Column 6 Lines 33-50 & Column 8 Lines 1-17).

7. As per claim 4, Golding-Liu teach the claimed invention as described in claims 1-3 above and furthermore discloses the field of events are all page views, (See Column 7 lines 65-67 & Column 8 Lines 1-17 respectively).

8. As per claim 5, Golding-Liu teach the claimed invention as described in claims 1-4 above and furthermore discloses the field of events is all page views in one category and wherein the normalizer normalizes a count for events over the single category field of events, (See Column 8 Lines 42-67).

9. As per claim 6, Golding-Liu teach the claimed invention as described in claims 1-5 above and furthermore discloses a canonicalization table that relates terms that can be represented by a canonized form (i.e., the term canonical is defined as a normalization process) canonicalizer for generating at least one canonized term for an input term indicative of the input event, (See Column 6 Lines 55-67 & Column 7 Lines 1-3) a categorizer that generates one or more category indications for an input event, (See Column 6 Lines 55-67 & Column 7 Lines 1-3) and logic to assign a category to the input event based on the at least one canonized term generated by the canonicalizer for the input term indicative of the input event, (See Column 6 Lines 55-67 & Column 7 Lines 1-3).

10. As per claim 7, Golding-Liu teach the claimed invention as described in claims 1-6 above and furthermore discloses a click stream, (i.e., click log) input that provides indications of navigation of a user subsequent to an event; and a categorizer that generates one or more category

Art Unit: 2141

indications for an input event; and logic to assign a category to the input event based on the indications of navigation of a user subsequent to the event, (See Column 8 Lines 1-38).

11. As per claim 40, Golding-Liu teach a method of accumulating counts for categories and subjects of search events, comprising the steps of receiving, as a server, a search request from a client; searching a set of items using search parameters of the search request; providing the client with search results comprising a subset of the set of items wherein the items in the subset have a predefined search criteria relationship to the search parameters; accepting a selection from the user of one of the subset of items; and accumulating a count for the search event as a count for a subject or category associated with a subject or category of the selection, (See Column 6 Lines 55-67 & Column 7 Lines 1-40).

12. Claims 8-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golding et al. (6,640,218) in view of Leshem et al. (6,470,383), and further in view of Liu et al. (6,839,680).

13. As per claim 8, Golding discloses the claimed invention as described above.

However, Golding does not explicitly teach reading a log of events, wherein an event is a result of a client of the set of clients making a request of a server or the set of servers and the server providing a response to the client; automatically associating each event with one or more subject, wherein a subject is a topic or a term; determining if a subject for an event is a canonical equivalent of another subject; identifying one or more category relevant to the subject; accumulating counts for events by subject, wherein counts for canonical equivalents are accumulated together; and outputting the accumulated counts.

Leshem teaches a log of events, wherein an event is a result of a client of the set of clients making a request of a server or the set of servers and the server providing a response to the client; automatically associating each event with one or more subject, wherein a subject is a topic or a term, (See Leshem Column 28 Lines 55-65) determining if a subject for an event is a canonical

Art Unit: 2141

equivalent of another subject; identifying one or more category relevant to the subject; accumulating counts for events by subject, wherein counts for canonical equivalents are accumulated together; and outputting the accumulated counts, (See Leshem Column 28 Lines 11-65).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to access server log files in order to display information about most frequently accessed URLs, the most heavily traveled links and paths, and most popular site entry and exit points as taught by Leshem in the system of Golding in order to simplify the task of evaluating and maintaining Web site effectiveness, (See Leshem Column 28 Lines 15-24).

However, Golding-Leshem does not explicitly teach a method further comprising categorizing at least one of the events into multiple categories.

In the same field of endeavor, Liu teaches an Internet profiling system and method wherein user requests to a server are monitored and categorized, wherein the means are capable of categorizing at least one of the events into multiple categories, wherein a subject refers to one or more of a topic, a term or a category (See Liu, col. 3, lines 25-58, col. 18, lines 16-33 and col. 45, line 36 - col. 46, line 40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the categorization into multiple categories, as taught by Liu, into the system of Golding-Leshem for the purpose of more accurately categorizing and profiling user activities.

14. As per claims 22, 23, 27, and 28, Golding-Leshem-Liu discloses the claimed invention as described above.

However, Golding-Leshem-Liu as applied does not explicitly teach the events to include purchase transactions and downloading of media objects.

Leshem further teaches a system that determines the navigation path followed by a visitor and by also determining a website's entry and exit points wherein it is interpreted that log files stored on web servers store information of entry and exit points therefore it is inherent that a user

Art Unit: 2141

may access a homepage (entry point) whether be it a purchasing Web site or a media download site to either purchase or download media (exit point), (See Leshem Column 28 Lines 42-65).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to access server log files in order to display information about most frequently accessed URLs, the most heavily traveled links and paths, and most popular site entry and exit points as taught by Leshem in the system of Golding-Leshem-Liu as previously applied in order to simplify the task of evaluating and maintaining Web site effectiveness, and studying user behavior patterns (See Leshem Column 28 Lines 15-24 & Column 30 Lines 55-58).

15. As per claims 24,33,37, Golding-Leshem-Liu discloses the claimed invention as described above.

However, Golding-Leshem-Liu as applied does not explicitly teach a step of generating a report showing comparisons of the traffic for each of a plurality of subjects in one or more categories; wherein at least one subject that is categorized in more than one category and counts for events associated with the at least one subject are allocated among the more than one category based on a context of the event whereby performing intersection analysis.

Leshem further discloses a system of generating a report showing comparisons of the traffic for each of a plurality of subjects in one or more categories; wherein at least one subject that is categorized in more than one category and counts for events associated with the at least one subject are allocated among the more than one category based on a context of the event whereby performing intersection analysis; wherein intersection analysis is interpreted as multiple log files being filtered and then combined for analysis purposes, (See Leshem Column 28 Lines 55-67 & Column 29 Lines 1-13).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to perform intersection analysis as taught by Leshem in the system of Golding-Leshem-Liu as applied in order to specify custom filters and for limiting the scope of usage analysis, (See Leshem Column 30 Lines 60-67).

Art Unit: 2141

16. As per claim 9-12, Golding-Leshem-Liu teach the claimed invention as described in claim 8 above and furthermore discloses the set of servers as constrained set of servers or one server; wherein the constrained set of servers comprises the servers for a portal Web site, or a plurality of Web sites; wherein a Web site is defined as a database or other collection of inter-linked hypertext documents and associated data entities. Additionally these Web sites are stored on web servers, as taught by Golding, (See Golding Column 6 Lines 1-16).

17. As per claims 13,19,20, Golding-Leshem-Liu teach the claimed invention as described in claims 8-12 above and furthermore discloses the set of clients is an unconstrained set of clients or one client; wherein the clients can be user(s)/visitor(s) (See Golding Column 5 & 6 Lines 66-67 & 1-16 respectively).

18. As per claims 14-18, Golding-Leshem-Liu teach the claimed invention as described in claims 8-13 above and furthermore discloses the set of clients is a constrained set of clients; wherein the constrained set of clients comprises the set of clients that connect to a network via a predefined service provider or that connect to a network via a predefined plurality of service providers or furthermore that access content via a predefined portal Web site or portal Web sites, (i.e., all mentioned aspects are interpreted that a(all) user(s)/client(s)/visitor(s) need(s) to access the internet. The internet is defined as a collection of interconnected public and private networks that are linked together), (See Golding Column 1 Lines 12-34 & Column 6 Lines 1-16), either through a predefined service provider or a plurality of service providers (i.e., accessing the Internet requires a user(s)/client(s)/visitor(s) to either connect through an internet service provider (ISP) or through a LAN, WAN or wireless network), as taught by Golding (See Golding Column 1 Lines 12-34 & Column 6 Lines 1-16).

19. As per claim 21, Golding-Leshem-Liu teach the claimed invention as described in claims 8-20 above and furthermore disclose the events include indications of page views, indications of search terms and indications of click streams of visitors to the set of servers; (i.e., the page view is

Art Unit: 2141

interpreted as also being a click stream where a user clicks on a URL to access a Web page) (See Golding, Column 6 Lines 33-50 & Column 8 Lines 1-17).

20. As per claim 25, Golding-Leshem-Liu teach the claimed invention as described in claims 8-24 above and furthermore discloses the log of events includes a Web server log of search phrases of search requests (See Golding Column 6 Lines 33-40).

21. As per claim 26, Golding-Leshem-Liu teach the claimed invention as described in claims 8-25 above and furthermore discloses the log of events includes a Web server log of page views (See Golding Column 5 Lines 33-40).

22. As per claim 29, Golding-Leshem-Liu teach the claimed invention as described in claims 8-28 above and furthermore discloses further a step of normalizing counts for each subject in a category relative to counts over the category (See Golding Column 8 Lines 42-50).

23. As per claim 30, Golding-Leshem-Liu teach the claimed invention as described in claims 8-29 above and furthermore discloses the step of associating an event with a subject, wherein the event is a search request, comprises the steps of providing the client with search results responsive to the search request; recording a selection made by the client from the search results; and associating the search request with the subject of the selection (See Golding Column 6 Lines 1-32).

24. As per claim 31, Golding-Leshem-Liu teach the claimed invention as described in claims 8-30 above and furthermore discloses the steps of determining a set of one or more demographic parameters relating to clients making requests or the users using the clients; and using the determined set of one or more demographic parameters to partition the counts by demographic divisions (See Golding Column 12 Lines 53-61).

Art Unit: 2141

25. As per claim 32, Golding-Leshem-Liu teach the claimed invention as described in claims 8-31 above and furthermore discloses the steps of determining a set of one or more demographic parameters relating to clients making requests or the users using the clients; and using the determined set of one or more demographic parameters to determine a distribution of at least one count for a topic or term over a plurality of demographic divisions (See Golding Column 12 Lines 53-61).

26. As per claim 38, Golding-Leshem-Liu teach the claimed invention as described in claims 8-37 above and furthermore discloses a step of performing associated interests analysis (See Golding Column 12 Lines 53-61).

27. Claims 34, 35, 36, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golding et al. (6,640,218) in view of Martin et al. (6,338,066), and further in view of Liu et al. (6,839,680).

28. As per claims 34, 35, 36 and 39, Golding discloses the claimed invention as described above.

However, Golding does not explicitly teach a step of allocating advertising space based on the accumulated counts or generating an advertisement wherein content of the advertisement is a function of the traffic statistics and the steps of collecting traffic data/statistics prior to a campaign; executing the campaign; collecting traffic data after the campaign; and comparing the traffic before and after the campaign as a measure of campaign effectiveness; wherein the campaign can be a political campaign, a marketing campaign, a general awareness campaign, a public service announcement campaign, or a combination thereof (i.e., an advertisement).

Martin discloses allocating advertising space based on the accumulated counts or generating an advertisement wherein content of the advertisement is a function of the traffic statistics, (See Martin Column 2 Lines 5-19) and the steps of collecting traffic data/statistics prior to a campaign/advertisement; executing the campaign/ advertisement; collecting traffic data after the campaign/

Art Unit: 2141

advertisement; and comparing the traffic before and after the campaign/ advertisement as a measure of campaign/ advertisement effectiveness, (See Martin Column 2 Lines 51-67 & Column 3 Lines 1-11).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to obtain traffic statistics and use the statistics of the past and future to select one advertisement from a set of potential advertisements based on the advertisement's total predicted effect on buying behavior as well as to select one link from a set of potential links based on the predicted behavior of the surfer and the potential that the surfer will want to use the link presented, (See Martin Column 3 Lines 1-11).

However, Golding-Martin do not explicitly teach a method further comprising categorizing at least one of the events into multiple categories.

In the same field of endeavor, Liu teaches an Internet profiling system and method wherein user requests to a server are monitored and categorized, wherein the means are capable of categorizing at least one of the events into multiple categories, wherein a subject refers to one or more of a topic, a term or a category (See Liu, col. 3, lines 25-58, col. 18, lines 16-33 and col. 45, line 36 - col. 46, line 40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the categorization into multiple categories, as taught by Liu, into the system of Golding-Martin for the purpose of more accurately categorizing and profiling user activities.

Response to Arguments

29. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection. The applicants argued in substance that the prior art of record failed to teach means capable of categorizing at least one of the events into multiple categories. The new grounds of rejection teaches this feature.

Art Unit: 2141

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PAUL H. KANG
PRIMARY PATENT EXAMINER